

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Roy Stubbs

Serial No.: 10/625,353

Filed: July 23, 2003

Docket No.: M120.241.101 / 50771US006

Title: ABRASIVE MATERIALS

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This is responsive to the Final Office Action mailed August 11, 2006. In that Office Action, the Examiner rejected claim 5 under 35 U.S.C. §102(a) as being anticipated by German Patent No. 9407622 ("German Reference"). Claims 1-4 and 10-12 were rejected under 35 U.S.C. §103(a) as being unpatentable over the German Reference in view of Hong, U.S. Patent No. 4,202,139 ("Hong"). Claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over the German Reference in view of Cheney et al., U.S. Patent No. 5,309,681 ("Cheney"). Claims 1-5 and 10-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hong in view of Hurst, U.S. Patent No. 2,780,533 ("Hurst"). Claims 7-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hong in view of Hurst as applied to the claims above, and further in view of Cheney.

With this Response, claims 1 and 5 have been amended to correct unintentional typographical errors. Claims 1-5 and 7-13 remain pending in the application and are presented for reconsideration and allowance.

35 U.S.C. §§102, 103 Rejections

With respect to the rejection of independent claim 5, it is respectfully submitted that the rejection thereof in the Final Office Action does not address each and every limitation set forth. In particular, the Final Office Action asserts that the German Reference teaches all limitations of claim 5, arguing that the German Reference "discloses a 'direct-coated sponge' having four minor sides." While Applicant does not agree that the German Reference discloses a "direct-coated sponge" as claimed, it is noted that claim 5 requires more than "a direct-coated sponge having four minor sides" as asserted (and analyzed) in the Final Office Action. Claim 5 specifically recites that direct coated abrasive layer is direct coated onto two opposing major surfaces of the rectangular block sponge and that at least one of the four minor surfaces of the sponge bears one part of a releasable securing means. In contrast, the German Reference discloses that the Velcro-type fastening surface 4 is provided only at a major surface of the foam or sponge 3. In other words, the German Reference does not have a releasable securing means

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on a minor surface of the foam or sponge 3. Hong and Hurst are similarly limited. Thus, it is respectfully submitted that claim 5 is allowable over the cited references. Further, because all limitations of claim 5 were not addressed in the Final Office Action, it is respectfully requested that the finality of the Final Office Action be withdrawn.

With respect to independent claim 1, it is respectfully re-asserted that none of the cited references disclose a direct-coated sponge abrasive material as claimed. Further, a requisite suggestion to modify the multi-piece strap assembly of Hong to provide the single strap with hook or loop materials at opposite ends thereof has not been identified. More particularly, the assertion in the Final Office Action that the strap/attachment system arrangement of claim 1 "would work equally as well" as the multi-piece strap assembly of Hong, and that the choice of either approach "would be within the level of ordinary skill" is not supported by an identified, objective teaching. Pointedly, the level of skill in the art cannot be relied upon to provide the suggestion to modify a reference. MPEP 2143.01 IV. The mere fact that a reference can be modified does not render the resultant modification obvious unless the prior art also suggests the desirability of the modification. MPEP 2143.01 III. For at least these reasons, then, claim 1, and claims 2-6 and 10-13 depending there from, are allowable.

With respect to independent claim 7, it is respectfully re-asserted that none of the cited references disclose a direct-coated sponge abrasive material as claimed. Further, a requisite motivation to combine the cited references does not exist. For at least these reasons, then, claim 7, and claims 8 and 9 depending there from, are allowable.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-5 and 7-13 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-5 and 7-13 are respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

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The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

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Respectfully submitted,

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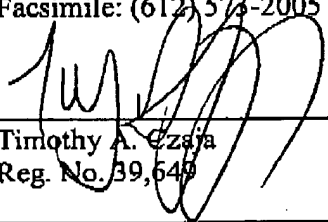
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Reg. No. 39,649**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted via facsimile to Facsimile No. (571) 273-8300 on this 11th day of October, 2006.

By: _____

Name: Timothy A. Czaja